

23 February 1968

MEMORANDUM FOR THE RECORD

SUBJECT: S. 2988 - Internal Security Act of 1968

1. S. 2988, introduced by Senator Eastland on 19 February 1968 with 19 cosponsors and referred to the Senate Judiciary Committee which he chairs, is an omnibus measure with ten titles covering 94 pages and is based upon the 36 legislative recommendations of a 23 January 1960 report by the Senate Internal Security Subcommittee. Hearings may begin and conclude in March 1968.

2. Title I, in amending Title 18 U.S. Code, redefines the term "war and national defense premises," suspends statute of limitations in official duty offenses by Government employees, extends statute of limitations for treason and related subversive activities, attempts to restore effectiveness to the Smith Act, follows the Constitutional test of "treason and makes an offense out of giving aid and comfort to an adversary involved in open hostilities against the U.S., and tightens up against false statements on subversive activities or connections by Government employees or applicants.

3. Title II, in amending the Internal Security Act of 1950, deals with the subversive activities control board, provides a Congressional finding of fact concerning the "Communist conspiracy" to more effectively ban Communists from defense facilities and a mechanism to review adverse security findings on employment with defense contractors.

4. Title III, in amending the Foreign Agents Registration Act, requires that political propaganda mail be identified and removes registration exemption for diplomatic personnel if they are engaged in disseminating political propaganda.

5. Title IV is the "Immigration and Passport Security Act" and, among other things, transfers immigration security functions from the Secretary of State to the Attorney General, provides for a central index of aliens, and provides penalty for failure to surrender passports or collusion with foreign governments to evade passport regulations.

6. Title V deals with immunity of Congressional witnesses, authorizes service of subpoena abroad and prohibits reprisals against Congressional witnesses testifying on subversive activities or wrongdoing within the Executive Branch, but makes exception in case of (a) national security information, or (b) information furnished to a recognized intelligence agency, provides for accelerated judicial consideration of subversive cases and restricts judicial review of Congressional proceedings.

7. Title VI is the "Federal Personnel Security Act of 1968" and starts with a finding of fact to support the ineligibility for Federal employment of a member of a Communist-action organization. Title VI also creates a centralized Security Administration for Executive Departments for investigations and evaluations in Federal personnel security cases from which the Executive Office of the President, NSA, CIA, and FBI are exempt. There are substantial similarities between the Security Administration and the Central Security Office commented upon in the Memorandum for the Record of 26 January 1968.

8. Title VII provides an appeal mechanism to individuals denied employment by Government contractor because of unevaluated adverse security information. The title does not give the person any right of employment, nor limit the exercise of discretion by Government contractors, nor is any information available which would jeopardize intelligence sources and methods as determined by the source agency, or identify or attribute the source thereof.

9. Title VIII deals with riot control, and Title IX with travel control and divorces travel control from the subject of passports as has recently been done in the Administration's proposal.

10. Title X contains miscellaneous provisions and, among other things, establishes the term "Cabinet intelligence item" as item of security intelligence which producing agency determines to be of highest level of importance and requires it to be delivered to the head of the receiving "Cabinet department," requires that the office of security of the Department of State be staffed entirely by Civil Service employees, sets up a Communist Defectors Act to induce defectors with an Awards Board composed of the Secretary of State, Attorney General, Director of FBI, the DCI, and Chiefs of Armed Forces Intelligence Services, and provides sanctuary for the defector under the Immigration and Nationality Act. (However, none of these authorities are to impair existing authority for the same purposes as found, for example, in Section 7 and Section 8 of P. L. 110, or the Atomic Weapons Reward Act of 1955), prohibits the fraudulent procurement of certain identification documents unless done at the direction of a U.S. intelligence agency and makes it a felony to apply to or be employed by either the United States or a defense facility and at the same time be employed by an espionage or an investigatory agency of a foreign power.

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Office of Legislative Counsel